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ABSTRACT

The Council for Postsecondary Education in Washington is required to collect and report information necessary to determine compliance with the law regarding professional leave activity in two- and four-year institutions (RCW 28B.10.650). Various sections of the law deal with the purposes of professional leaves; stipulate that remuneration shall not exceed the average of the highest quartile of a rank order of salaries of all full-time faculty; provide for compensation rates; describe governing board-faculty contractual agreements; and stipulate that the aggregate cost of remunerated leaves not exceed the cost of salaries that would otherwise have been paid to the personnel on leave. All institutions reported the necessary information for fiscal 1979, revealing: (1) at the state's two- and four-year institutions, 158.53 Full Time Equivalent leaves were granted; (2) total leave remuneration equaled $3,265,136; (3) total replacement costs equaled $936,457; (4) total program costs equaled $4,202,093; (5) contract salaries, that is, salaries which would otherwise have been paid to persons on leave, totaled $4,599,965; and (6) the difference between program costs and contract salaries equaled $397,872. The report provides information for each institution, discusses certain legal issues, and includes the relevant legislative sections. (AYC)

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PROFESSIONAL LEAVE

Fiscal 1979

Washington Public Colleges

and Universities

Report No. 80-3

Project Officer:

Jackie M. Johnson

U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE
NATIONAL INSTITUTE OF EDUCATION

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October, 1979

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Introduction

This is the second annual report to the Legislature in response to the provisions of RCW 28B.10.650 (see Appendix A for the text of the statute). The Council for Postsecondary Education is required to collect and report information necessary to determine compliance with the law regarding professional leave activity in the two and four-year institutions.

The Council's first report, Professional Leave, Fiscal, 1978, Washington Public Colleges and Universities (Report No. 79-2), contains the reporting form employed and a relevant attorney general's opinion, and offers descriptive information concerning fiscal 1978 professional leave activity at each institution. Report No. 79-2 is available upon request for those who wish further information on the subject.

Legal Issues

Professional leaves for fiscal 1978 were granted both before and after the effective date of the legislation (July 1, 1977) requiring a distinction among leaves and/or replacement costs subject to the provisions of the law and those resulting from contractual agreements entered into before July 1, 1977.

Within the community college system, existing multi-year negotiated labor contracts took precedence over the provisions of RCW 28B.10.650 until their termination date. Written advice from Assistant Attorneys General also stated that since negotiated agreements did not specifically address replacement personnel, it was correct for institutions to continue contracting for necessary replacements for the duration of the existing agreement based on past practices.

Fiscal 1979 professional leave activity at Shoreline Community College is still governed by a three-year, multi-year contact which terminated August 15, 1978. As a result of the agreement, total cost of remuneration and replacement costs exceeded 100 percent of salaries that otherwise would have been paid.

Amending legislation (Appendix B) was passed during the 1979 regular session, effective June 7, 1979, which modifies the allowable aggregate cost of professional leaves at a community college district to one hundred fifty percent of the cost of salaries which otherwise would have been paid to personnel on leave. The allowable aggregate cost of professional leaves at the four-year institutions remains one hundred percent of the cost of salaries which otherwise would have otherwise been paid. While this amending legislation does not affect leaves granted for fiscal 1979, it will be pertinent to leave activity in fiscal 1980.

Fiscal 1979 Professional Leaves

All institutions reported the necessary information concerning their professional leave programs to the Council, and a summary table of institutional detail appears on Page 4.

Two salaries at Washington State University were not reduced to meet the average of the upper quartile. The first was as a result of a late change in leave plans for which the institution did not realize the implication of full salary as opposed to half salary. In the second instance, the salary increment was not known at the time leaves were

afforded and the leave remuneration was not reduced after the 1978-79 salary increments were awarded.

One leave at The Evergreen State College is the continuation of a contracted agreement made before July 1, 1977, thereby not subject to the provisions of the law. The cost difference is wholly associated with this leave and all leaves subject to the provisions of the law are in compliance.

As stated earlier, the 1979 program at Shoreline Community College is in accordance with the provisions of a pre-existing labor contract. In addition, Big Bend and Peninsula Colleges incurred costs associated with their professional leave program. However, both institutions are exempt from aggregate cost limitations since they have fewer than 75 full-time faculty and granted fewer than 3 leaves.

Professional Leaves
Public Two and Four-Year Institutions
Fiscal 1979

Institution	FTE Staff Leaves	Percent of Eligible FTE's	Total Leave Remuneration	Total Replacement Costs	Total Program Costs	Contract Salaries*	Difference
University of Washington	58.00	1.8	1,285,084	445,677	1,730,761	1,843,723	(112,962)
Washington State University	30.54	2.0	696,619	75,693	772,312	872,266	(99,954)
Central Washington University	10.30	3.1	213,811	4,848	218,659	293,244	(74,585)
Eastern Washington University	8.85	2.1	181,698	14,040	195,738	232,113	(36,375)
The Evergreen State College	5.60	3.7	157,402	48,300	205,702	178,290	27,412**
Western Washington University	10.54	1.9	207,745	0	207,745	280,138	(72,393)
Four-Year Institutions Subtotal	123.83		2,742,359	588,558	3,330,917	3,699,774	(368,857)
Bellevue Community College	2.50	1.1	39,592	26,465	66,057	66,120	(63)
Big Bend Community College	1.25	1.4	15,827	27,054	42,881	34,297	8,584**
Centralia College/Olympia Technical Community College	----------	----------	----------	No Leaves	----------	----------	----------
Clark College	2.25	2.0	28,882	7,237	36,119	57,764	(21,645)
Columbia Basin Community College	.25	.2	5,665	419	6,084	6,084	0
Everett/Edmonds Community Colleges	4.50	2.1	58,800	36,241	95,041	108,615	(13,574)
Fort Steilacoom Community College	.75	.5	11,475	5,251	16,726	18,000	(1,274)
Grays Harbor College	.75	1.5	12,571	1,117	13,688	18,876	(5,188)
Green River Community College	1.50	1.0	16,204	20,065	36,269	36,269	0
Highline Community College	4.50	3.5	59,890	57,278	117,168	123,721	(6,553)
Lower Columbia College	----------	----------	----------	No Leaves	----------	----------	----------
Olympic Community College	1.25	1.0	23,317	4,984	28,301	31,090	(2,789)
Peninsula College	.75	1.2	20,736	14,976	35,712	20,736	14,976**
Seattle (District 6)	3.25	.9	41,271	50,259	91,530	91,780	(250)
Shoreline Community College	4.25	2.0	82,801	53,378	136,179	115,000	21,179**
Skagit Valley College	----------	----------	----------	No Leaves	----------	----------	----------
Spokane (District 17)	2.25	.7	34,175	13,965	48,140	56,960	(8,820)
Tacoma Community College	1.25	.9	27,880	8,015	35,895	37,174	(1,279)
Walla Walla Community College	----------	----------	----------	No Leaves	----------	----------	----------
Wenatchee Valley College	1.50	2.0	23,000	12,195	35,195	39,210	(4,015)
Whatcom Community College	.25	.6	4,331	0	4,331	5,775	(1,444)
Yakima Valley College	1.70	1.3	16,360	9,500	25,860	32,720	(6,860)
Community Colleges Subtotal	34.70		522,777	348,399	871,176	900,191	(29,015)
Total	158.53		3,265,136	936,457	4,202,093	4,599,965	(397,872)

* Total salaries which would otherwise have been paid to persons on leave.
** Evergreen State College, prior authorized leave; Shoreline, in accordance with existing labor contract; Big Bend and Peninsula, exempt under small school provision.

APPENDIX A

28B.10.650 REMUNERATED PROFESSIONAL LEAVES FOR FACULTY MEMBERS OF UNIVERSITIES, STATE COLLEGES AND COMMUNITY COLLEGES --- CONDITIONS (AS AMENDED BY 1977 1st ex. s. c 173). It is the intent of the legislations that when the state universities, state colleges, and community colleges grant professional leaves to faculty and exempt staff, such leaves be for the purpose of providing opportunities for study, research, and creative activities for the enhancement of the institution's instructional and research programs.

The boards of regents of the state universities, the boards of trustees of the state colleges and the board of trustees of each community college district may grant remunerated professional leaves to faculty members and exempt staff, as defined in RCW 28B.16.040, in accordance with regulations adopted by the respective governing boards for periods not to exceed twelve consecutive months in accordance with the following provisions:

(1) the remuneration from state general funds and general local funds for any such leave granted for any academic year shall not exceed the average of the highest quartile of a rank order of salaries of all full time teaching faculty holding academic year contracts or appointments at the institution or in the district.

(2) Remunerated professional leaves for a period of more or less than an academic year shall be compensated at rates not to exceed a proportional amount of the average salary as otherwise calculated for the purposes of subsection (1) hereof.

(3) The grant of any such professional leave shall be contingent upon a signed contractual agreement between the respective governing board and the recipient providing that the recipient shall return to the granting institution or district following his or her completion of such leave and serve in a professional status for a period commensurate with the amount of leave so granted. Failure to comply with the provisions of such signed agreement shall constitute an obligation of the recipient to repay to the institution any remuneration received from the institution during the leave.

(4) The aggregate cost of remunerated professional leaves awarded at the institution or district during any year, including the cost of replacement personnel, shall not exceed the cost of salaries which otherwise would have been paid to personnel on leaves: *Provided*, That this subsection shall not apply to any community college district with fewer than seventy-five full time faculty members and granting fewer than three individuals such leaves in any given year.

(5) The average number of annual remunerated professional leaves awarded at any such institution or district shall not exceed four percent of the total number of full time equivalent faculty, as defined by the office of program planning and fiscal management, who are engaged in instruction, and exempt staff as defined in RCW 28B.16.040.

(6) Negotiated agreements made in accordance with chapter 28B.52 RCW and entered into after the effective date of this 1977 amendatory act shall be in conformance with the provisions of this section.

(7) The respective institutions and districts shall annually report to the council for postsecondary education such information as the council deems necessary to determine compliance with the provisions of this section and the council for postsecondary education shall periodically report such information to the legislature. [1977 1st ex.s. c 173 § 1; 1969 ex.s. c 223 § 28B.10.650. Prior: 1959 c 155 § 1. Formerly RCW 28.76.400.]

REVISER'S NOTE: (1) "office of program planning and fiscal management" redesignated as "office financial management" by 1977 1st ex.s. c 114. See RCW 43.41.035.

(2) "the effective date of this 1977 amendatory act" see note following.

Effective date --- 1977 1st ex.s. c 173: "This act shall take effect on July 1, 1977." [1977 1st ex.s. c 173 § 4.]

REVISER's NOTE: 1977 1st ex.s. c 173 § 4, not containing an emergency clause in said effective date section, would take effect ninety days after adjournment sine die or September 21, 1977.

SEVERABILITY --- 1977 1st. ex.s. c 173: "If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1977 1st ex.s. c 173 § 3.]

The above annotations apply to RCW 28B.10.650 and 28 B.50.551.

REVISER'S NOTE: RCW 28B.10.650 was amended twice during the 1977 first extraordinary session of the legislature, each without reference to the other.

For rule of construction concerning sections amended more than once at any session of the same legislature, see RCW 1.12.025.

APPENDIX B

Section 1, Subsection 4 of the law has been amended effective June 7, 1979 as follows:

"(4) The aggregate cost of remunerated professional leaves awarded at the institution or district during any year, including the cost of replacement personnel, shall not exceed the cost of salaries which otherwise would have been paid to personnel on leaves: PROVIDED, That for community college districts the aggregate cost shall not exceed one hundred fifty percent of the cost of salaries which would otherwise been paid to personnel on leaves: PROVIDED FURTHER, That this subsection shall not apply to any community college district with fewer than seventy-five full-time faculty members and granting fewer than three individual such leaves in any given year."

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